UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:-16-102
)	JUDGE TRAUGER
MICHAEL POTEETE)	

DEFENDANT'S REPLY TO GOVERNMENT'S RESPONSE TO MOTION FOR COMPASSIONATE RELEASE

Defendant Michael Poteete responds to address three aspects of the government's response to his compassionate-release motion.

First, the Bureau of Prisons' own records report that Poteete has the "Current" "Health Problem" of "alcoholic liver disease," and therefore the government's reliance on the distinction between "disease" and "damage" is unavailing. (D.E. 53, BOP Medical Records at 36 and 89.) (See Response, R.64, PageID# 855.) These records indicate Poteete falls in the category of individuals at high risk for serious complications from Covid-19.

Second, as the government concedes, to date there have been 266 inmates at Poteete's prison with confirmed cases of Covid-19. Since that prison has just 1,400 inmates, that means 20% of the inmates have had confirmed cases. Regardless what protocols the BOP is following or intends to follow to limit the spread of the virus, the BOP has simply failed to keep inmates in Poteete's prisons safe from an extraordinarily high risk of infection. Poteete certainly runs a serious risk of a Covid-19 infection in prison.

Third, the government emphasizes that Poteete has been convicted of three violent crimes. Those crimes—armed robberies—were committed 23 years ago over a span of 5 days. Since that time, Poteete has been compliant with the law except for the underlying, nonviolent case and except for drunk driving offenses. As Poteete's motion has explained, he was long an alcoholic, but he has reformed since his arrest in this case. In fact, Poteete committed the underlying crime in July 2015, and perfectly complied with the law and conditions of pretrial release until he self-reported in January 2019, about 3.5 years later. That conduct, in combination with his sound release plan, firmly indicates that Poeteete is not a danger to society. He respectfully asks that the Court grant him compassionate release.

Respectfully submitted,

s/Michael C. Holley

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020, I electronically filed this pleading with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to Joseph Montminy, Assistant United States Attorneys, Office of the U.S. Attorney, 110 Ninth Avenue North, Suite A961, Nashville, Tennessee, 37203.

<u>s/Michael C. Holley</u> MICHAEL C. HOLLEY